

Remarks:

Applicants appreciatively acknowledge the Examiner's confirmation of receipt of Applicants' claim for priority and certified priority document under 35 U.S.C. § 119(a)-(d).

Reconsideration of the application, as amended herein, is respectfully requested.

Claims 1 - 33 are presently pending in the application.

Claims 1, 15 and 32 have been amended.

Applicants gratefully acknowledge that claims 3, 4, 11, 12, 17, 18, 25, 26 and 33 have been indicated as being allowable if rewritten to include all the limitations of the claims from which those claims depend.

In item 3 of the above-identified Office Action, claims 1 - 2, 8 - 10, 13 - 16, 22 - 24 and 27 - 32 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U. S. Patent No. 6,393,007 to Haartsen ("HAARTSEN").

In item 4 of the above-identified Office Action, claims 5 - 7 and 19 - 21 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over HAARTSEN in view of U. S. Patent No. 6,532,228 to Burgess et al ("BURGESS").

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Applicants respectfully traverse the above rejections.

More particularly, claim 1 recites, among other limitations:

first means for transmitting a first part of a data packet at a predetermined first symbol rate and at a first transmission frequency; and

second means for transmitting a second part of the data packet at a second symbol rate and at a second transmission frequency;

said second symbol rate possibly differing from said predetermined first symbol rate. [emphasis added by Applicants]

As such, Applicants' claim 1 recites, among other limitations, sending a first part of a data packet at a first symbol rate, and the second part of the data packet at a second symbol rate. This is supported in the instant application, for example, on page 6, line 16 - page 7, line 5, which states:

A data transmission system according to the invention has a base station and at least one mobile station. Data packets can be interchanged by radio using a time slot method between the base station and the at least one mobile station. One major concept of the invention is for the data transmission system to have a first measure, by which a first part of a data packet is transmitted at a predetermined first symbol rate and at a first transmission frequency, and for the data transmission system furthermore to have a second measure, by which a second part of the data packet is transmitted at a second symbol rate and at a second transmission frequency.

The first and the second symbol rate are in this case in each case the rates at which the phase of the oscillation that is used for data transmission is modulated. In this case, the oscillation is at the first or second transmission frequency, which is

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generally the channel mid-frequency. [emphasis added
by Applicants]

At least one advantage to Applicants' novel data transmission system is disclosed in the instant application, for example, on page 7, lines 6 - 11, which states:

The data transmission system according to the invention has the advantage that it allows higher data transmission rates than many conventional data transmission systems since, for example, the second symbol rate may be higher than the first symbol rate. [emphasis added by Applicants]

The above-cited portion of the instant application additionally supports the amendment to claim 1, which states that the second symbol rate can be different from the predetermined first symbol rate. As such, in the invention of claim 1, a data packet is split into two parts, the symbol rate of transmission of each part being separately considered and defined (i.e., a first symbol rate and a second symbol rate, which symbol rates possibly differing).

Applicants' independent further independent claims 15 and 32 include similar limitations to those discussed above, as well as others. For example, Applicants' independent claim 15 recites, among other limitations:

transmitting a first part of a data packet at a predetermined first symbol rate and at a first transmission frequency;

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transmitting a second part of the data packet at a second symbol rate and at a second transmission frequency; and

the second symbol rate possibly differing from the predetermined first symbol rate. [emphasis added by Applicants]

Applicants' independent claim 32 recites, among other limitations:

said base station and said mobile station programmed to transmit a first part of a data packet at a predetermined first symbol rate and at a first transmission frequency;

second base station and said mobile station programmed to transmit a second part of the data packet at a second symbol rate and at a second transmission frequency; and

said second symbol rate possibly differing from said predetermined first symbol rate.. [emphasis added by Applicants]

The **HAARTSEN** reference, cited in the Office Action against Applicants' independent claims 1, 15 and 32, fails to teach or suggest separately defining for transmission the symbol rate for a first part of a data packet and a second part of the data packet, such that the first part is transmitted at a predetermined first symbol rate and the second part is transmitted at a second rate, as recited by Applicants' claims. Rather, **HAARTSEN** discloses a method and system for voice and data radio communication in a TDMA system, wherein a communication channel includes at least one time slot of a plurality of sequential time slots forming a TDMA frame, and

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wherein a time slot of a frame hops in position between sequential frames. HAARTSEN discloses that the hopping of a time slot depends on the type of information transmitted in the time slot.

However, although HAARTSEN can send different "time slot" information at different frequencies, HAARTSEN neither teaches, nor suggests, transmitting one "time slot" of information at a predetermined first symbol rate and transmitting a second "time slot" of information at a second symbol rate, which could possibly differ from the first symbol rate. HAARTSEN fails to teach, or even suggest, that the information "time slots" could be transmitted at different symbol rates. As such, for the above reasons, among others, Applicants' claimed invention is believed to be patentable over the HAARTSEN reference.

The BURGESS reference, cited in the Office Action in combination with HAARTSEN against certain dependent claims, does nothing to overcome the deficiencies in HAARTSEN, discussed above.

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest the features of claims 1, 15 and 32. Claims 1, 15 and 32 are,

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therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 1, 15 or 32.

Finally, Applicants appreciatively acknowledge the Examiner's statement that claims 3, 4, 11, 12, 17, 18, 25, 26 and 33 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." In light of the above, Applicants respectfully believe that rewriting of claims 3, 4, 11, 12, 17, 18, 25, 26 and 33 is unnecessary at this time.

In view of the foregoing, reconsideration and allowance of claims 1 - 33 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any fees that might be due with respect to
Sections 1.16 and 1.17 to the Deposit Account of Lerner and
Greenberg, P.A., No. 12-1099.

Respectfully submitted,



For Applicants

Kerry P. Sisselman
Reg. No. 37,237

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Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101